



Docket No.: 577172000400
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas HUBER et al.

Application No.: 09/941,148

Confirmation No.: 4598

Filed: August 27, 2001

Art Unit: 2614

For: PERSONALIZED REMOTE CONTROL

Examiner: J. P. Salce

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request review of the non-final rejection mailed November 28, 2005, for the reasons set forth below. Claims 10-15, 27-34, 44-49, 62 and 64-90 stand rejected under 35 USC 103(a) as obvious in light of Nickum in combination with other references. Applicants submit that the systems and methods described by the claims and specification are not anticipated by or obvious in light of the references cited by the Examiner.

Claims 10, 27, 44, 62, 71 are independent. Representative independent claim 10 includes the features of “verifying an identification of said current user based upon results of the biometric identification” and “communicating said verified identification of said current user to said set-top box.” Claims 27 and 71 recite similar features. Independent claim 44 includes the features of “an identification input device within said personalized remote control that verifies said identity of said current user based on biometric identification” and “a communication link between said personalized remote control and said set-top box that transmits said verified identity of said current user.” Claims 62 and 79 include similar features. Applicants submit that

none of the references cited by the Examiner, taken alone or in combination, disclose these features.

Nickum Does Not Disclose Transmitting a Verified Identity

Applicants submit that none of the cited references, taken alone or in combination, disclose verifying an identification of a user and communicating the verified identification to a set-top box. Nickum only describes identifying a user at a remote control and then allowing or disallowing certain actions at the remote control based on the identification. Once the remote control of Nickum has determined if certain key press for accessing content is allowed, it will communicate that key press to the set-top box. The remote control of Nickum does not transmit a verified identification of the user to the set-top box. Specifically, according to Nickum, a user profile stored in a remote control defines the channels that may be accessed. The remote control device may have one or more user profiles, any one of which is activated by the user inputting a unique user ID. Verification circuitry in the remote control activates the user profile corresponding to the input user ID if the ID matches the user ID stored in association with the user profile. (Col. 2, lines 35-40.) It is this user profile data that controls access restrictions. (Col. 7, lines 15-18.)

Fig. 4 of Nickum shows the input verification process in the remote. If an ID function key is detected at step 412, it is compared to the ‘Master Control’ ID at step 414. If no match is found, the ID is then compared to data stored in EEPROM at step 420. None of these steps, nor the final step (Transmit Signal to Receiver (480)), teaches that the verified identification of the user is transmitted from the remote control. Nickum only teaches that program selections are transmitted from the remote control. Nickum discloses that “[i]f the user selection is not one of those blocked according to program control data in EEPROM 250 then the user selection is sent at block 470 to the standard remote control circuitry 280. From there the signal is transmitted at block 480 to the receiver controlling the television receiver.” (Col. 8, lines 1-6). Thus, the teachings of Nickum do not show “communicating said verified identification of said current

user to said set-top box.” According to Nickum, there is no need to transmit the user ID to the set-top box because the user profile is applied in the remote control.

In the Action at page 3, the Examiner stated that “Nickum discloses verifying an identification of a current user based upon the recognition data supplied to the remote control (Column 5, Lines 19-20).” Applicants submit that this portion of Nickum also fails to teach the claimed invention. This portion of Nickum, like the portion described above, describes only that a user verification process is performed in the remote to detect a match with a user ID input by the user. An input representing a correct ID will result in a different “environment” being activated on the remote device. Nickum never describes that the verified identification can be transmitted from the remote to another device.

In the Action at page 3, the Examiner also stated that “Nickum also discloses communicating the verified identification of the current user to the set-top box (Column 8, Lines 34-46).” Applicants note, however, that the cited portion of Nickum merely states that “[e]ach remote control device has...an individualized identifying signal incorporated in the conventional circuitry. Each user selection is then accompanied by the identifying signal.” Applicants assert that there is no teaching in Nickum here, or anywhere else, of communicating a verified identification of a current user to a set-top box. This portion of Nickum only describes that a unique signal is transmitted from the remote device. The Examiner’s conclusion, that this signal includes or represents a verified identification, is not supported by the reference.

In the Action at page 4, the Examiner noted that Nickum states that “the process represented by FIG. 4 can be executed by circuitry incorporated in the remote control devices, the television receiver, or an attached device such as a cable control box. (Column 5, Lines 28-33).” Applicants submit that it is irrelevant where the functions shown in Fig. 4 are performed. If the steps shown are performed in a remote control, then, as discussed above, the user ID is established in the remote control and a verified identification is never transmitted from the remote. If the disclosed steps were to be performed in a receiver, then key presses would be transmitted from the remote and identification and verification of the user would be performed at

the receiver. In either case, the verified identification of a current user is not communicated to a set-top box.

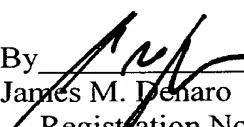
Applicants respectfully submit that claims 27, 44, 62, 71 and 79 are also patentable for at least the reasons given above with reference to claim 10. With respect to the dependent claims, applicants respectfully submit that they have shown the patentability of at least independent claims 10, 27, 44, 62, 71 and 79 and, accordingly, all dependent claims are themselves patentable insofar as they depend from patentably distinct independent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 577172000400.

Dated: April 28, 2006

Respectfully submitted,

By 
James M. DeNaro
Registration No.: 54,063
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 300
McLean, Virginia 22102
(703) 760-7739